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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,540	10/24/2003	Sunjeen Choe	2028-3-03	1152
7590 10/13/2005				
JONATHAN Y. KANG, ESQ. LEE, HONG, DEGERMAN, KANG & SCHMADEKA 14th Floor 801 S. Figueroa Street Los Angeles, CA 90017		EXAMINER OMGBA, ESSAMA		
		ART UNIT 3726 PAPER NUMBER		

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/692,540

Applicant(s)

CHOE ET AL.

Examiner

Essama Omgba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the phrase "The present invention provides" in line 1 should be deleted. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities: on page 4, line 16, "and" second occurrence should be deleted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Park et al. (US Patent 6,569,279).

With regards to claims 1 and 11, Applicant, at pages 1 and 2 of the specification to be known as AAPA, discloses a method for manufacturing a case, the method comprising laminating sheet of wood with adhesives, compressing the laminated sheets, heat molding the laminated sheets to form sidewalls and panels for the case and heating the laminated sheets. AAPA does not disclose using radio frequency radiation for heating the laminated sheets. However it is known to use radio frequency

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energy in place of conventional heating in the bonding of wood sheets as attested by Park et al., see column 1, lines 60-63. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have used radio frequency radiation in heating the stack of sheets in the method of AAPA, in light of the teachings of Park et al., as is known in the art.

For claims 2-10 and 12-24, Applicant should note that the recited steps are either conventional in the art or within the general knowledge of one of ordinary skill in the art.

5. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Godin et al. (US Patent 6,670,536).

With regards to claim 25, Applicant, at pages 1 and 2 of the specification to be known as AAPA, discloses a case for musical instruments, the case comprising a plurality wooden sheets laminated with adhesives, the plurality of laminated wooden sheets being compressed, heat molded and heated to form sidewalls and panels for the case. Although AAPA does not disclose a molded shock-absorbing material disposed on an interior of the case, a fabric layer disposed over the molded shock-absorbing material and a cover disposed over an exterior of the case, however such shock-absorbing material, fabric layer and cover are conventional in the art as attested by Godin et al., see column 1, lines 16-32. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided such structure to the case of AAPA, in light of the teachings of Godin et al., as is conventional in the art. Applicant should note that the limitation of the compressed, heat-molded wooden sheets being irradiated with radio waves is a product-by- process limitation and

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as such has not been given any patentable weight for the claimed product. "Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985), see MPEP §2113.

For claims 26 and 27, Applicant should note that such use of staples or "L" shaped brackets is conventional in the art as well as within the general knowledge of one of ordinary skill in the art.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Essama Omgba', is positioned above the printed name and title.

Essama Omgba  
Primary Examiner  
Art Unit 3726

eo  
October 10, 2005